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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

HORTA, LLC, a Delaware limited liability
 company

Plaintiff,

v.

FEDERAL AVIATION
 ADMINISTRATION, a federal agency, et
 al.,

Defendants

No. 05-03778 JF (RS)

Related Case No. C02-04086 JF (RS)

STIPULATION AND [~~PROPOSED~~]
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE

DATE: June 16, 2006
 TIME: 10:30 A.M.
 COURTROOM 3, 5th Floor
 Honorable Jeremy Fogel

The case of *Horta, LLC v. the Federal Aviation Administration* relates to plaintiff Horta's attempts to obtain discovery from defendants, including the FAA, in the related case of *Horta v. City of San Jose*, Case No. C02-04086 JF (RS). As the parties informed the Court in February of this year, Horta and the FAA are engaging in discussions that may make the discovery unnecessary. The parties expect those discussions to be complete within approximately 60 days. Accordingly, the parties hereby stipulate and request that the case management conference in both related cases, currently scheduled for Friday, June 16, 2006, be continued by approximately 60 days to a date to be set by the Court.

Respectfully submitted,

DATED: June 12, 2006

KEVIN V. RYAN
United States Attorney

/s/

CLAIRE T. CORMIER
Assistant United States Attorney

Dated: June 12, 2006

SHEPPARD MULLIN RICHTER
& HAMPTON LLP

/s/

JAMES CHADWICK
Attorneys for Plaintiff HORTA, LLC

Dated: June 12, 2006

RICHARD DOYLE, City Attorney

/s/

NORA FRIMANN
JOSEPH P. DICIUCCIO
SANDRA LEE
Attorneys for Defendant CITY OF SAN JOSE

[PROPOSED] ORDER

Pursuant to the stipulation of the parties and good cause appearing, the case management conference in Case C05-03778 JF (RS) and Case No. C02-04086 JF (RS) is hereby continued to Friday, August 18, 2006 at 10:30 a.m.

IT IS SO ORDERED.

June 13, 2006



JEREMY FOGEL
UNITED STATES DISTRICT JUDGE